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The Southern Frontier

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THE SUPREME COURT AND THE SOUTH

The White Primary

Smith v. Allwright

On April 3, the United States Supreme Court, in a notable eight-to-one decision in the case of *Smith v. Allwright*, ruled that the exclusion of Negroes from party primaries conducted under state statutory authority is in violation of the Fifteenth Amendment forbidding the abridgement by a state of a citizen's right to vote. The decision applied specifically to a Negro who was denied the right to vote in the Democratic primary in Texas. A Texas law had given the state executive committee of the Democratic party the power to prescribe the qualifications of its members for voting. It remains to be seen whether this decision of the Court is applicable to all primaries regardless of whether they are conducted under statutory authority, and it is very likely that a test of this point will not be long in coming.

The current decision strikes a body blow at the white primary, which in the states of the deep South has operated to prevent the effective participation of Negroes in politics. The issue in the case was whether the Democratic party in Texas was a private organization entitled to decide who should vote in its primaries, as the state of Texas contended, or whether the practice of the party, under the state statute, in excluding Negroes from its primaries was actually equivalent to "state action" and was therefore contrary to the Fifteenth Amendment.

Justice Reed's Opinion

The majority opinion, written by Justice Stanley Reed of Kentucky, held that primary elections are conducted by the Texas Democratic party "under state statutory authority," and that this makes the party "an agency of the state insofar as it determines the participants in a primary election." Justice Reed said that the constitutional right to participate in the election of public officials "without restriction by any state because of race . . . is not to be nullified by a state through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election." In the words of Justic Reed, "It may now be taken as a postulate that the right to vote in such a primary for the nomination of candidates without discrimination by the State, like the right to vote in a general election, is a right secured by the Constitution. . . . By the terms of the Fifteenth Amendment that right may not be abridged by any state on account of race. Under our Constitution, the great privilege of choosing his rulers may not be denied a man by the State because of his color."

Justice Roberts' Dissent

Justice Roberts was the lone dissenter, and he dissented in no uncertain terms. In his minority opinion he pointed to the growing tendency of the Supreme Court to reverse its past decisions and said that the Court is becoming a "breeder of fresh doubt and confusion in the public mind as to the stability of our institutions." "This tendency," he said, "indicates an intolerance for what those who have composed this court in the past have conscientiously and deliberately concluded, and involves an assumption that knowledge and wisdom reside in us which was denied to our predecessors." To Mr. Roberts, the upsetting of precedents brings the decisions of the tribunal "into the same class as a restricted railroad ticket—good for this day and train only."

Previous Cases

That there was some basis for Mr. Roberts' petulance is shown by a review of the high court's decisions in previous cases involving party primaries. In 1927, in *Nixon v. Herndon*, the court invalidated a Texas law limiting the primary to white voters. Texas responded by delegating authority to the state Democratic executive committee to set the qualifications of voters in its primary, and exclusion of the Negro petitioner under this statute was likewise declared unconstitutional in *Nixon v. Condon*, 1932. However, in 1935, in *Grovey v. Townsend*, (in which the petitioner was denied a ballot pursuant to a resolution passed by the state Democratic convention), the court unanimously held that the Democratic convention in Texas was not an organ of the state and that its denial of a vote in a primary was a mere refusal of party membership with which "the state need have no concern." Then in 1941, in *U. S. v. Classic*, a Louisiana case arising from indictments of election officials on charges of altering primary ballots, the court held that primaries are

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Peonage

Pollock v. Williams

"When the master can compel and the laborer cannot escape the obligation to go on, there is no power below to redress and no incentive above to relieve a harsh overlordship of unwholesome working conditions." This expression is part of the decision of the Supreme Court handed down April 10, 1944 in the case of *Pollock v. Williams*.

Emanuel Pollock, an illiterate Negro of Brevard County, Florida, had obtained $5 from J. V. d'Albora on the promise that he would work it out. He failed to keep his promise, and d'Albora took him to court. Pollock pleaded guilty under the statute and he was fined $20 for each dollar of the five, but he could not pay the fine and was sentenced to jail. The court ruled that the Florida statute encouraged peonage under the sanction of criminal law and was violative of Federal peonage laws and of the Thirteenth Amendment prohibiting slavery and involuntary servitude.

Mr. Justice Jackson wrote the opinion. "Deceit is not put beyond the power of the state because the cheat is a laborer nor because the device for swindling is an agreement to labor," declared Justice Jackson. "But when the state undertakes to deal with this specialized form of fraud, it must respect the constitutional and statutory command that it may not make failure to labor in discharge of a debt any part of a crime. It may not directly or indirectly command involuntary servitude, even if it was voluntarily contracted for."

Taylor v. Georgia

A Georgia law was voided by a similar Supreme Court ruling on January 12, 1942 in the case of *Taylor v. Georgia*. Taylor was convicted in the Superior Court of Wilkinson County because of a debt of $19.50 due R. L. Hardie, and sentenced to pay a fine of $35 and costs or go to the chain gang for eight months. Mr. Justice Byrnes in presenting the verdict said that "such coerced labor is peonage." The Commission on Interracial Cooperation, believing that the law under which Taylor was convicted encouraged peonage, and believing it to be unconsti-

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To attain through research and action programs the ideals and practices of equal opportunity for all peoples in the region.

Editorial

The recent Supreme Court decision in the Texas white primary case is a challenge to the honesty and sense of justice of Southern people. The challenge demands a planned, constructive program of citizenship education for those who now vote and for those who would become the new voters under a relaxation of the primary laws that now keep Negroes "in their place" politically in several Southern states.

There are dangers of over-optimism among Southerners with a will-to-justice and decency. No one can honestly believe that an edict of the Supreme Court is going to bring full political citizenship to 9,000,000 Negroes who now live in the South. We cannot believe that devious political practitioners are going to accept this decision in spirit and letter and welcome the disfranchised black sheep into the political party fold. It is going to take work and intelligence to tear down a system that has evolved through decades of shrewd legislation designed to "keep the Negro out of politics."

Already there is too much talk of disregarding, evading, or nullifying the Supreme Court decision. If there was ever a time for the South to be wise, fair, and calm, that time is now. To all who believe in justice and democracy, we commend the resolution (see page 3) adopted by the Georgia Committee on Interracial Cooperation at its recent annual meeting. We also commend the excellent editorial, "Voting by Negroes," in the Macon, Ga., *News* of April 5. After reviewing the situation at length, the editor concluded:

> Allowing the vote to Negroes of character and intelligence is not incompatible with the genius of American institutions. Denying it, solely on account of color, is inconsistent with the American ideal of fair treatment for all. We cannot honestly fight a war for justice and freedom while, on account alone of racial prejudice, we are denying the lawful rights of citizenship to a large segment of our own population.
>
> The Supreme Court is right. And we shall be grievously wrong if we follow the excited rantings of our politicians and disregard or attempt to nullify its decision.

It Is For Us The Bell Tolls

By RALPH McGILL

Nothing truer was ever written than that paragraph by the old philosopher and poet, John Donne, from which Ernest Hemmingway took the title of his novel, "For Whom the Bell Tolls":

"No man is an island, entire of itself; every man is a piece of the continent, a part of the mainland; if a clod be washed away by the sea, Europe is the less, as well as if a promontorie were washed away . . . any man's death diminishes me, because I am involved in mankind; and, therefore, never send to know for whom the bell tolls; it tolls for thee."

And so it does, of course.

And today the tides of war are washing away many, many clods from many, many lands. Europe is the less. America the less.

Any man's death diminishes us. We are less because men died on the bombing raids yesterday and last night over Germany. We are less because of the men whose bodies roll in the surf that washes up on the beaches of the Pacific islands.

We are involved in mankind. All of us are. And some of us are timid and afraid about it. When anything happens, there are too many who send to know for whom the bell tolls.

Well, as old John Donne said, "Send not to know—it tolls for thee."

It tolls for man to keep his senses in time of crisis—to refuse to allow passion to overturn reason.

"TOMORROW AND TOMORROW"

One of the scenes I liked best in Shakespeare's tragedies was that one in Macbeth's where Macbeth has learned that the bell, after much sending to know, was tolling for him.

There is a fine soliloquy there, one that every schoolboy knows:

> ". . . Tomorrow, and tomorrow,
> and tomorrow
> Creeps in this petty pace from
> day to day
> To the last syllable of recorded
> time . . ."

And so it does.

There is no way to escape it. We are, each one of us, a part of mankind. And no matter how selfishly, how meanly or how cowardly we try to hide from that fact, we cannot escape.

The bell eventually will toll. And no matter how hard we try there must always be tomorrow, and tomorrow, and tomorrow. One tomorrow we must face and answer up, "What did you do?"

That brings me to this: It is not at all of any great concern that many persons are against Mr. Roosevelt.

What is of tremendous concern is that those who are against him for reasons they consider sound, should attract to them all the exploiters of racial hatreds; the smear artists; the spreaders of slander; the malicious carriers of dirty stories; the "typhoid Marys" of our national life such as the publishers of papers and magazines properly in jail for sedition and those guilty and on trial today. Let us be for whatever candidate we wish, but let us all disown and denounce canards and lies, ugly rumors and gossip.

Has 1,944 years of Christianity taught us only to repeat the dangerous stories growing out of the undercurrent of hate and prejudices which someone constantly keeps stirred? Can we but helplessly say, "There will be trouble after the war"?

Are there not enough to say, "There is no reason why we should have trouble if we do not let reason and common sense be overthrown by prejudice"?

Are we helpless persons caught up in a maelstrom of fear, hate and prejudice, moving around and around toward certain doom? Are we figures in a Greek tragedy, moved by destiny, with no power of our own?

The villainous campaign against Lincoln; the merciless slander of Wilson; the whispers of foul diseases; of unclean things about Harding, and now, of Roosevelt. The thousand and one false rumors started about this and that . . . the pay-off has to come one day.

Tomorrow, and tomorrow, and tomorrow creeps in this petty pace until the last syllable of recorded time.

Maybe there will be "trouble" after the war. There could be, easily.

There needn't be. There is no reason for it, unless, as I said, we let reason and common sense be overthrown by hate and prejudice and the carriers of these diseases.

Every day men die; hundreds of men die in battle, in starvation camps, in inadequate prison hospitals; and we at home buy bonds very well but we fret and stew and repeat gossip and dodge real issues, and won't face facts. We say, in a sort of ritual, "There is sure to be trouble after the war."

The bell does toll for us. And there is no escaping that tomorrow, and tomorrow, and tomorrow lie ahead of us.

It is going to be interesting to see if 1,944 years of Christian civilization have taught us only to say, "We're sure going to have trouble after the war."

(*Mr. McGill's column appeared in The Atlanta Constitution, April* 19, 1944. *It is reprinted here with his permission. The italics are ours. Editors.*)

The Y. W. C. A. And Interracial Practices

In April, 1940 the National Student Council asked the Y. W. C. A. for the appointment of a commission to study the interracial experience of that association. In the fall of 1942 this commission was appointed. This commission has reported its findings and has made recommendations to the National Board of Y. W. C. A. and to the local Associations.

Among the recommendations proposed are the following:

1. "That a conscious goal of all local associations be the inclusion of Negro women and girls in the main stream of association life."
2. That the "separate planning for any racial group in the population (white, Negro or other) is too partial to be sound, and that provision be made for frequent joint approach to the total area under consideration."
3. "That all salary and wage differentials between white and Negro workers doing the same work be wiped out."
4. "That, in communities where, because of rigid patterns of separation, it may not now be possible for white and Negro women and girls to be members of the same groups, Interclub Council processes and other intergroup activities be consciously employed to bridge the gaps between the groups separated because of race but otherwise organized on similar bases, with a view to bringing them progressively closer to inclusive functioning; and that, in some communities, individuals who are ready for participation in joint clubs be given that opportunity, even though the general constituency may not be ready for such experience."

(For further details, the reader may consult *Interracial Practices in Community Y. W. C. A.'s*, a study under the auspices of the commission to gather interracial experience as requested by the Sixteenth National Convention of the Y. W. C. A.'s of the United States of America, conducted by Juliet O. Bell, Ph.D., and Helen J. Wilkins. New York: The Woman's Press, 1944.)

Peonage

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tutional, engaged counsel to carry the case through the courts.

In the Florida case Mr. T. T. Purdom, young Atlanta attorney, contributed his services in behalf of Pollock. In the Georgia case Mr. Leonard Haas and Mr. Purdom appeared before the Supreme Court in behalf of the appellant. Mr. Haas is counsel for the Southern Regional Council and a member of its Board of Directors

Georgia Committee Resolution On White Primary

At its annual meeting in Atlanta, April 14, 1944, the Georgia Committee on Interracial Cooperation voted to issue a constructive resolution on the situation arising from the Supreme Court decision in the Texas primary case. A committee was asked to prepare the statement for publication. We give here the resolution in full.

WHEREAS, the Supreme Court of the United States has ruled that Negro citizens be permitted to vote in the Texas Democratic primary election; and

WHEREAS, it appears that this decision will probably apply to primary elections in all states where Negroes, on the basis of their race or color, are now excluded from primary elections; and

WHEREAS, there have been statements issued by some party officials asserting that the decision of the Supreme Court of the United States will not be followed in certain states; and

WHEREAS, we believe that the time has come for every state in our great nation to treat all of its citizens justly and equally, believing also that the integrity of the nation and of its whole people is definitely related to our acceptance of the rulings of our courts and that good government cannot exist in a locality or a state or a nation where the people attempt to circumvent the studied and honest decisions of their courts; and

WHEREAS, further, there are already many states in our nation in which all qualified persons, freely and without restrictions because of race, do participate in primary and general elections, and seeing that there are a number of Southern states where this is true and good government has not appeared to suffer in these states, be it hereby

RESOLVED, that we call upon our beloved State of Georgia and its party and government officials to respect the letter, the implications and the spirit of the decision of the Supreme Court of the United States in the Texas Primary Case, to the end that no qualified citizen of the State of Georgia be denied his right to participate in the primary and the general elections of the State, and that no steps be taken to circumvent what we regard as the logical, honest and just opinion of the Supreme Court in this matter.

The White Primary

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part of the election machinery, thus paving the way for the current decision.

In justification of the reversal of the 1935 decision, Mr. Reed said that the court was exercising its established power to re-examine constitutional questions. "In constitutional questions, where correction depends upon amendment and not upon legislative action this Court throughout its history has freely exercised its power to re-examine the basis of its constitutional decisions. . . . Here we are applying, contrary to the recent decision in *Grovey v. Townsend*, the well established principle of the Fifteenth Amendment, forbidding the abridgement by a state of a citizen's right to vote. *Grovey v. Townsend* is overruled."

The Voting Status of Negroes in Virginia

The Virginia Voters League has published its Fourth Annual Report, entitled "The Voting Status of Negroes in Virginia, 1943." The report contains charts showing the number of Negroes paying poll taxes in 1942 and 1943 for every city and county in Virginia, as well as a section on "Procedures and Requirements for Voting in Virginia."

Among the facts reported in this pamphlet are the following:

1. There are 365,717 Negroes of voting age in Virginia, 91 per cent of whom were disqualified from voting in 1943 because they had not met Virginia's poll tax requirement.
2. Over 32,000 Negroes paid all required poll taxes in 1943, but there are about 13,000 Negro poll tax payers who have not "bothered to register."
3. "The limited registration of Negro voters in 1943 and in all years recently is not due, then, to the racial prejudice of registrars but to the lethargy of Negroes themselves. The restraining fact with them is the memory of the friction with these officials many years ago."

Dr. Luther P. Jackson, who assembled the material and wrote the report, has done a very significant piece of citizenship education. Dr. Jackson is Professor of History at Virginia State College, Petersburg, and a member of the Board of Directors of the Southern Regional Council.

Some Voting Restrictions In the Southern States

Payment of Poll Taxes in amounts varying from one dollar to two dollars, from one month to ten months preceding the election, and for a period varying from one year to all the years for which the voter may be liable, in Alabama, Arkansas, Georgia, Mississippi, South Carolina, Tennessee, Texas and Virginia. Florida Louisiana, Kentucky and North Carolina have repealed their poll tax requirement laws.

The State and Local Democratic Party Primaries which bar Negroes from participating in primary election, with or without support of state or local laws in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina and Texas. In general there is no racial discrimination in voting in Delaware, Kentucky, Maryland, Missouri and West Virginia.

IN THE MAIL

I think your slogan, "We dedicate ourselves to the task of doing the most and the best that can be done here and now," is fine.

Of course, the Negro question is a large and complicated one. Personally, I have thought that despite the injustices and indignities which they are subject to, that the outside criticism and agitation is very unfair, particularly the criticism of the Negro press and Negro writers. They seem to blame most of their own troubles on the white people. Then, I think, too, that there has been no adequate recognition of what the white people have done for the Negro over a period of the last 75 years. There are many evidences of real contribution made to their welfare, all of which are largely lost sight of in the present state of agitation.

Of course, all efforts made to bring about good will and understanding and cooperation are fine, and I think much progress will be made along this line.

Macon, Georgia

You ask for expressions of opinion on your proposed program. It seems to me that equalization of freight rates would be a big step toward justice in the South. It would make possible more industries with additional jobs and better pay for some of the existing jobs.

Also, if plans could be laid now, perhaps by industry as well as Congress, for full employment after the war, would not that ease racial and class tension greatly? Is not fear lest the white workers have no jobs after the war a big element in the opposition to hiring and up-grading Negroes? These are both tremendous propositions and I am not sure whether they would come in the scope of your organization, but it seems to me that the more groups working toward them the better.

In general it would seem that your statement of aims is excellent.

Ethel K. Millar
Conway, Arkansas

Congratulations on your first Council issue of THE SOUTHERN FRONTIER. This was extremely well done, but then Mrs. Ames set you a worthy example for the past four years. . . . I regard this small publication as one of the most significant and valuable documents ever published on conditions in the South. . . . I should now like to get ten extra copies of this March issue for 1944 to distribute among social workers here in the North. . . . Some of our leaders in the Midwest are becoming interested in regional planning also, and for this reason I need to keep as closely in touch as possible with the program of your Southern Regional Council.

Mabel Carney
Marseilles, Illinois

News and Notes

● The Southern Regional Council notes with deep regret the death of one of its directors, Dr. J. R. E. Lee, President of Florida Agricultural and Mechanical College. As head of that institution for twenty years, and in his earlier positions at Bishop College and Tuskegee Institute, Dr. Lee was constantly associated with movements for social and racial betterment in the South. He was 84 years old.

● The Executive Directors have been presenting the case for the SRC to interracial and other groups in Georgia, Florida, Alabama, Mississippi, North Carolina and Tennessee. These preliminary discussions are providing the basis for the Council's full field program.

● Dr. Horace Mann Bond, President of Fort Valley State College and a member of the Board of Directors of the Southern Regional Council, will conduct a course on "The Negro in American Life" at the 1944 summer school session of the Garrett Biblical Institute, Chicago.

● Eight Negro lawyers prepared the argument in behalf of the petitioner in the recent Texas primary case. They were Thurgood Marshall, Maryland; W. J. Durham, Texas; William H. Hastie, Washington, D. C.; Robert Ming, Jr., Chicago; George M. Johnson, California; Leon A. Ransom, Ohio; Prentice Thomas, Kentucky; and Carter Wesley, Texas. Mr. Wesley is a vice-president of the Southern Regional Council.

● Bishop Arthur J. Moore of Atlanta, in delivering the report of the Council of Bishops before the Methodist quadrennial general conference at Kansas City on April 26, said that "the moral judgment of civilized people is demanding an ordered, righteous and effective world organization." The bishop also called attention to the fact that 13,000,000 Negroes are still "accorded a sub-Christian status," but he added that he felt that the nation is slowly moving toward "a better day in which discrimination and injustice give way to respect and cooperation."

● The Catholic Committee of the South recently held its fifth annual convention at Memphis. The Committee presented to Dr. Howard W. Odum, University of North Carolina sociologist and president of the Southern Regional Council, its annual award "for significant contribution to the welfare and progress of the South."

● The South Carolina legislature in special session has repealed every statutory reference to primary elections, hoping thus to evade the consequences of the United States Supreme Court decision in the case of *Smith v. Allwright*. It remains to be seen what attitude the Supreme Court will take toward the "white primary" when there is no "state action" involved.

● Trustees of the Duke Endowment have appropriated $79,000 to 33 more hospitals in the Carolinas. This brings to 130 the number of hospitals assisted by the Duke Endowment this year upon the basis of the amount of free work done by each hospital during 1943.

● Speaking at a gathering of more than 500 Southeastern business leaders in Atlanta on April 11, Mr. Donald Nelson, War Production Board chief, said: "The South is no longer America's Economic Problem No. 1, but America's Economic Opportunity No. 1. . . . The level of per capita purchasing power is rising more rapidly in the South than in any other great region, and I say flatly that the South cannot be prevented from moving swiftly into an era of industrial and social development that will astound the world and add enormously to the strength of this virile democracy of ours."

● Sidney Walker, a Negro boxer, is best known as "Beau Jack." According to the Augusta (Ga.) *Herald* he was the largest contributor to Augusta's Red Cross Drive. Beau Jack's donation amounted to $3,678.40.

● Dr. Jo H. Stegall, President of the Georgia Dental Association, stated recently that he would present to the annual convention of the Association in Atlanta in May a recommendation that Negro dentists be invited to attend the scientific sessions of the G. D. A. Pointing out that there are over a million Negroes in Georgia and only 53 Negro dentists, Dr. Stegall said, "We should encourage more Negroes to study dentistry."

● The city of Newport News, Va., will employ several Negro policemen, according to an announcement by the city manager and the chief of police.

● There has recently been organized in Dallas, Texas, a Council on Human Relations, whose membership is bi-racial and whose primary purpose is the promotion of more satisfactory relations between the races. Miss Gaynell Hawkins is temporary chairman of the Council.

● *Common Ground*, a quarterly magazine published by the Common Council for American Unity (222 Fourth Avenue, New York City) carried in its Spring issue two articles under the title of "Southern Defensive" which severely criticized the Southern Regional Council. One of the articles was written by J. Saunders Redding, young Negro professor at Hampton Institute and author of *No Day of Triumph*, the other by Lillian Smith, editor of *South Today* and author of the current best seller, *Strange Fruit*. The editor of *Common Ground* has accepted a reply by Guy B. Johnson, Executive Director of the Southern Regional Council, which will be published in the Summer issue of the magazine.